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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Algeria,* Andorra,* Australia, Bangladesh,* Bolivia (Plurinational State of),* Chile, Fiji,* Maldives,* Mexico, Pakistan, Paraguay,* Peru, Philippines, San Marino,* the former Yugoslav Republic of Macedonia,* Uruguay,* Viet Nam,* Zambia:* draft resolution

38/... Human rights and climate change

The Human Rights Council,

Guided by the Charter of the United Nations, and reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Declaration and Platform for Action and the Vienna Declaration and Programme of Action,

Recalling the 2030 Agenda for Sustainable Development, including, inter alia, its Goal 13 on taking urgent action to combat climate change and its impact, and Goal 5 on achieving gender equality and empowering all women and girls,

Reaffirming the Addis Ababa Action Agenda as an integral part of the 2030 Agenda,

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated,

Recalling all its previous resolutions on human rights and climate change,

Reaffirming the United Nations Framework Convention on Climate Change and the objectives and principles thereof, and emphasizing that parties should, in all climate change-related actions, fully respect human rights as enunciated in the outcome of the sixteenth session of the Conference of the Parties to the Convention,[1]

Reaffirming also the commitment to realize the full, effective and sustained implementation of the United Nations Framework Convention on Climate Change and the Paris Agreement adopted under the Convention,[2] including, in the context of sustainable development and efforts to eradicate poverty, in order to achieve the ultimate objective of the Convention,

* State not a member of the Human Rights Council.

[1] FCCC/CP/2010/7/Add.1, decision 1/CP.16.

[2] See FCCC/CP/2015/10/Add.2, decision 1/CP.21, annex.

Stressing the importance of holding the increase in the global average temperature to well below 2°C above pre-industrial levels and of pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, while recognizing that this would significantly reduce the risks and impact of climate change,

Acknowledging that, as stated in the United Nations Framework Convention on Climate Change, the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions, and acknowledging also that article 2, paragraph 2 of the Paris Agreement states that the Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances,

Noting the invitation by the Conference of the Parties to the United Nations Framework Convention on Climate Change to the Paris Committee on Capacity-building, in managing the 2016–2020 workplan, to take into consideration cross-cutting issues, such as gender-responsiveness, human rights and indigenous peoples' and local communities' knowledge,[3]

Welcoming the adoption of the first gender action plan under the Lima Work Programme on Gender at the twenty-third session of the Conference of the Parties to the United Nations Framework Convention on Climate Change,

Noting the importance of the work of the scientific community and the Intergovernmental Panel on Climate Change, including its assessment reports, in support of strengthening the global response to climate change, including considering the human dimension, and indigenous peoples' and local communities' knowledge,

Acknowledging that, as stated in the United Nations Framework Convention on Climate Change, responses to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding an adverse impact on the latter, taking into full account the legitimate priority needs of developing countries for the achievement of sustained economic growth and the eradication of poverty,

Recognizing that poverty eradication is critical to the implementation of the Sustainable Development Goals, climate change resilience and the promotion and protection of human rights, including the rights of women and girls, who account for the majority of people living in poverty worldwide,

Affirming that human rights obligations, standards and principles have the potential to inform and strengthen international, regional and national policymaking in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes,

Emphasizing that the adverse effects of climate change have a range of implications, which can increase with greater global warming, both direct and indirect, for the effective enjoyment of human rights, including, inter alia, the right to life, the right to adequate food, the right to the enjoyment of highest attainable standard of physical and mental health, the right to adequate housing, the right to self-determination, the rights to safe drinking water and sanitation, the right to work and the right to development, and recalling that in no case may a people be deprived of its own means of subsistence,

Recognizing that climate change poses an existential threat for some countries, and recognizing also that climate change has already had an adverse impact on the full and effective enjoyment of human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments,

Expressing concern that, while these implications affect individuals and communities around the world, the adverse effects of climate change are felt most acutely by those segments of the population that are already in vulnerable situations owing to

[3] See FCCC/CP/2016/10/Add.2, decision 16/CP.22.

factors such as geography, poverty, gender, age, indigenous or minority status, national or social origin, birth or other status and disability,

Recognizing that women and girls are disproportionately affected by the negative impact of climate change, and emphasizing that sudden-onset natural disasters and slow-onset events seriously affect their access to food and nutrition, safe drinking water and sanitation, health-care services and medicines, education and training, adequate housing and access to decent work,

Recognizing also that women are not only victims but also agents of change, and that the integration of a gender-responsive approach into climate policies, including by conducting gender analysis, ensuring women's right to participate, access to education and training and access to and control over adequate resources, such as clean energy and technology, would increase the effectiveness of climate change mitigation and adaptation,

Noting that gender-responsive climate policies continue to require further strengthening in all activities concerning adaptation, mitigation and related means of implementation, such as finance, technology development and transfer, and capacity-building,

Expressing concern that countries lacking the resources to implement their adaptation plans and programmes of action and effective adaptation strategies may suffer from higher exposure to extreme weather events, in both rural and urban areas, particularly in developing countries, including those in least developed countries and small island developing States,

Taking into account the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities,

Recalling that the Paris Agreement adopted under the United Nations Framework Convention on Climate Change acknowledges that climate change is a common concern of humankind and that parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity,

Urging States that have not already ratified the Paris Agreement and the Doha Amendment to the Kyoto Protocol to do so,

Emphasizing the importance of implementing the commitments undertaken under the United Nations Framework Convention on Climate Change on mitigation, adaptation and the provision of finance, technology transfer and capacity-building to developing countries, and emphasizing also that realizing the goals of the Paris Agreement would enhance the implementation of the Convention and would ensure the greatest possible adaptation and mitigation efforts in order to minimize the adverse impact of climate change on present and future generations,

Welcoming the twenty-third session of the Conference of the Parties to the United Nations Framework Convention on Climate Change and the Climate Change Conference, organized by Fiji and held in Bonn, Germany in November 2017 and April and May 2018 respectively, and looking forward to the twenty-forth session of the Conference of the Parties in Katowice, Poland in December 2018,

Reaffirming the need for the continuing implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030, adopted at the Third United Nations World Conference on Disaster Risk Reduction, and its references to human rights,

Noting the importance for some of the concept of "climate justice" when taking action to address climate change,

Welcoming the convening of the intersessional panel discussion on human rights, climate change, migrants and persons displaced across international borders, and taking

note of the summary report on the panel discussion prepared by the Office of the United Nations High Commissioner for Human Rights,[4]

Noting the research on addressing human rights protection gaps in the context of migration and the displacement of persons across international borders resulting from the sudden onset and slow onset adverse effects of climate change and the necessary means of implementation of adaptation and mitigation plans of developing countries to bridge the protection gaps undertaken by the Office of the High Commissioner, pursuant to Human Rights Council resolution 35/20 of 22 June 2017,[5]

Noting that the human rights obligations and responsibilities as enshrined in the relevant international human rights instruments provide roles for States and other duty bearers, including businesses, to promote, protect and respect, as would be appropriate, human rights, including those of women and girls, when taking action to address the adverse effects of climate change,

Taking note of the report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment focusing on climate change and human rights,[6]

Noting that the Special Rapporteur on the right to food asserted that climate change has a long-term and deeper impact on food insecurity, and recommended that increasing finance to support developing countries in tackling climate change impacts, through adaptation and by addressing loss and damage, is essential,[7]

Noting with appreciation the work of the Climate Vulnerable Forum which asserted that climate change is a major threat to the enjoyment of human rights and fundamental freedoms,

Noting the importance of facilitating meaningful interaction between the human rights and climate change communities at both the national and international levels in order to build capacity to deliver responses to climate change that respect and promote human rights, taking into account the Geneva Pledge for Human Rights in Climate Action and other similar efforts,

Noting also the establishment and work of regional and subregional initiatives on climate change, including those incorporating a gender-responsive approach,

Noting with appreciation the statement made in 2009 by the Committee on the Elimination of Discrimination against Women on gender and climate change,

Noting the work being undertaken on the rights of women and girls in the context of the adverse impacts of climate change by United Nations agencies, bodies and entities, including the United Nations Environment Programme, the United Nations Development Programme, the World Health Organization, the International Labour Organization, the Food and Agriculture Organization of the United Nations, the United Nations Entity for Gender Equality and the Empowerment of Women and the Committee on the Status of Women,

1. *Expresses concern* that climate change has contributed and continues to contribute to the increased frequency and intensity of both sudden-onset natural disasters and slow-onset events, and that these events have adverse effects on the full enjoyment of all human rights;

2. *Emphasizes* the urgent importance of continuing to address, as they relate to States' human rights obligations, the adverse consequences of climate change for all, particularly in developing countries and the people whose situation is most vulnerable to climate change;

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[4] A/HRC/35/14.
[5] A/HRC/38/21.
[6] A/HRC/31/52.
[7] See A/HRC/37/61.

3. *Calls upon* States to consider, among other aspects, human rights within the framework of the United Nations Framework Convention on Climate Change;

4. *Calls upon* all States to adopt a comprehensive, integrated and gender-responsive approach to climate change adaptation and mitigation policies, consistent with the United Nations Framework Convention on Climate Change and the objective and principles thereof, to address efficiently the economic, cultural and social impact and challenges that climate change represents, for the full and effective enjoyment of human rights for all, particularly to support the resilience and adaptive capacities of women and girls both in rural and urban areas to respond to the adverse impacts of climate change;

5. *Calls upon* States to continue and enhance international cooperation and assistance, in particular in financing, the transfer of technology and capacity-building, for mitigation and adaptation measures to assist developing countries, especially those that are particularly vulnerable to the adverse effects of climate change, to better promote human rights in general and women's access in particular to food and nutrition, safe drinking water and sanitation, health-care services and medicines, education and training, adequate housing and decent work, clean energy, science and technology;

6. *Urges* States to strengthen and implement policies aimed at increasing the participation of women in climate change responses at the local, national, regional and international levels, and calls upon the United Nations Entity for Gender Equality and the Empowerment of Women and other United Nations agencies to support upon request national programmes and projects in this regard;

7. *Decides* to incorporate into the programme of work for the forty-first session of the Human Rights Council, on the basis of the different elements contained in the present resolution, a panel discussion on the theme "Women's rights and climate change: climate action, best practices and lessons learned", focusing on best practices and lessons learned in the promotion and protection of the rights of women and girls in the context of the adverse impact of climate change;

8. *Requests* the Office of the United Nations High Commissioner for Human Rights to submit a summary report of the panel discussion to the Human Rights Council at its forty-second session;

9. *Also requests* the Office of the High Commissioner, in consultation with and taking into account the views of States, the special procedures of the Human Rights Council, the United Nations Entity for Gender Equality and the Empowerment of Women, the Commission on the Status of Women, the United Nations Environment Programme, the World Meteorological Organization and other relevant international organizations and intergovernmental bodies, including the Intergovernmental Panel on Climate Change and the secretariat of the United Nations Framework Convention on Climate Change, and other stakeholders, to conduct, from within existing resources, an analytical study on the integration of a gender-responsive approach into climate action at the local, national, regional and international levels for the full and effective enjoyment of the rights of women, to be circulated to States and other stakeholders and to be submitted to the Council in sufficient time but no later than 30 days prior to the forty-first session;

10. *Invites* special procedure mandate holders, within their respective mandates, and other relevant stakeholders with appropriate expertise, including academic experts and civil society organizations, to contribute actively to the panel discussion;

11. *Encourages* relevant special procedure mandate holders to continue to consider the issue of climate change and human rights, including the adverse impact of climate change on the full and effective enjoyment of human rights, particularly women's rights, within their respective mandates;

12. *Decides* to consider the possibility of organizing follow-up events on climate change and human rights;

13. *Requests* the Secretary-General and the High Commissioner to provide all the human and technical assistance necessary for the effective and timely realization of the above-mentioned panel discussion and the summary report thereon;

14. *Decides* to remain seized of the matter.